#### ANALYSIS OF FORENSIC EVIDENCE

### Introduction

This appendix provides the analysis of casualty estimates (Tab 1) and an analysis of the forensic evidence collected in the vicinity of the No Gun Ri site. The casualty estimate analysis is an attempt to answer the question: can either the U.S. or ROK Review Team verify how many refugees were killed in the vicinity of No Gun Ri during the last week of July 1950? As a result of consultations between them, both Review Teams agreed that the ROK Review Team would be responsible for recovery of ballistics evidence and firearm examinations. The ROK Review Team would report their results to the U.S. Review Team.

This appendix includes the assessments of ROK forensic testing conducted by the U.S. Army Criminal Investigation Division (CID) Laboratory and the Federal Bureau of Investigation (FBI) (Tab 2). This appendix also contains a forensic pathology analysis by the Armed Forces Institute of Pathology of the USAF reconnaissance photograph taken of the No Gun Ri area on August 6, 1950 (Tab 3).

### Enclosed:

Tab 1 (Casualty Estimates)

Tab 2 (Analysis of ROK Forensic Testing - Ballistics and Firearms)

Tab 3 (Forensic Pathology Analysis)

### Tab 1

#### **CASUALTY ESTIMATES**

The U.S. Review Team was directed to answer the question: can either the U.S. or ROK Review Team verify how many refugees were killed in the vicinity of No Gun Ri during the last week of July 1950? The answer is the U.S. Review Team cannot verify how many refugees were killed or injured. The ROK Review Team believes further investigation is required.

The allegations in the initial Associated Press articles described hundreds of people killed.<sup>1</sup> Korean witnesses reported piling dead bodies at the entrances of the tunnel,<sup>2</sup> dead cows on the railroad tracks,<sup>3</sup> bodies scattered vicinity of or near the railroad,<sup>4</sup> and dozens of people dying.<sup>5</sup> U.S. veterans who passed through the vicinity of No Gun Ri in late July 1950, during their withdrawal toward the Naktong River, did not observe human remains or graves in the area.<sup>6</sup> USAF reconnaissance imagery taken over the area on August 6, 1950 did not show evidence of human remains or graves.<sup>7</sup> After interviewing U.S. veterans and examining the aerial photograph, the U.S. Review Team asked the ROK Review Team if they had evidence of human remains or graves in the vicinity of No Gun Ri.

The U.S. Review Team received a report from the ROK Review Team on the number of Koreans killed and injured and "handling of the dead." The U.S. Review Team initially believed this document reflected the official position of the ROK Review Team. The ROK Review Team indicated in a meeting with the U.S. Review Team that the information in the report they had provided to the U.S. Review Team must be verified by a subsequent investigation. Nonetheless, the Korean report, which includes summaries of investigative work and witness interviews, the witness statements discussed described in Chapter 4, the analysis of the aerial photograph described in Appendix B, Tab 3, and Appendix D, comprise the material that the U.S. Review Team evaluated in responding to the question; can the U.S. or ROK Review Team verify how many refugees were killed in the incident?

Based on a Korean survey, the ROK Review Team indicated some refugees from different locations went to the vicinity of a village called Im Gae Ri (sometimes spelled Imkyeh-ri and Im Ga Ri) and that villagers of Im Gae Ri and others who had sought refuge there were told by American soldiers to evacuate the village. The ROK Review Team reported that approximately 477 people left the village and went south on along Road #4 (now Highway 1) and later moved on to the railroad tracks, where these refugees were strafed and bombed by U.S. aircraft and then fired upon while in the double tunnel near No Gun Ri by U.S. soldiers.

The ROK Review Team indicated that there were several Korean estimates of the number of people killed and injured which were derived from different sources. Some of the estimates reported by the ROK Review Team are:

- Based on a reenactment of the incident there could have been 240 290 victims: 50 -100 injured on the railroad track and 190 in the tunnel.
- In August 1950, an Im Gae Ri village official reported the number of dead as 120. He made this report to the North Korean People's Army on August 7-8, 1950 at their request. He arrived at that estimate by subtracting the number of villagers who returned to the village from the number of villagers who left.
- ROK "victim" reports show 175 dead, 51 wounded and 20 missing.
- A document seized from the North Korean People's Army indicated one hundred deaths occurred in a tunnel or railroad tunnel near Yongdong.
- North Korean reports in North Korean newspapers indicated 400 deaths, (North Korean People's Herald, August 19, 1950) and 200 deaths (The Democratic Korea, September 7, 1950) at the double railroad overpass.

According to the ROK Review Team, only a small number of bodies or identified graves can be accounted for because:

- Many bodies were not buried in marked graves. Korean burial customs at that time were that children and unmarried minors were buried in unmarked graves. Many of the refugees were reported to have been children and unmarried minors.
- Some gravesites have not been maintained because all descendants of the family have died.<sup>9</sup>
- The bodies of strangers<sup>10</sup> and the bodies of refugees whose entire family died were left untouched until August 10, 1950. After that date, they were buried in a mass grave, which has been disturbed in the intervening years by family members searching for bodies and farming activity in the area. When farmers uncovered bones, they removed and disposed of bones.

Korean witness statements contain different estimates of how many people were killed or injured and how the bodies were buried. Six Korean witnesses report the use of mass graves or hearing that a mass grave near the double tunnels was used. Some Korean statements describe only the deaths or injuries of family members and others estimate the total number of deaths and injuries. Some U.S. veterans describe dead or injured refugees. The U.S. veterans' estimates range from several to two hundred, but the soldiers did not check bodies and some estimates appear to be guesswork. Korean witness estimates include 60 -100 dead in the double tunnel and 50 - 150 dead or injured from strafing/bombing.

Another source of casualty estimates is as reported by the Associated Press<sup>16</sup> on June 15, 2000. It was a document captured from a North Korean Cultural Officer (North Korean Communist political cadre serving with the armed forces). The document contained a story that the NKPA had found bodies in a tunnel near Yongdong. This story as related in instructions to cultural officers on "Cultivation of Hatred to Obtain Revenge" dated August 2, 1950 and signed by Kim, Cheh Ouk, of the Military Affairs Committee, 1st Army Group, might contain an element of truth in spite of its propagandistic purpose. The NKPA may have found civilian bodies in a tunnel, not in the railroad overpass near No Gun Ri but in one of the railroad tunnels in the vicinity of Yongdong on the main double railroad line. One of these tunnels was bombed with high explosives and napalm on July 28, 1950 as reported in the Eighth Army Operations Journal. At that time the NKPA was probably using the tunnel to store ammunition and other supplies. The area around the tunnel would also have been subject to artillery fire intended to delay the advance of the NKPA 3rd Division out of Yongdong. This propaganda states that artillery fire and strafing caused the deaths, but does not mention any other type of ground fire, including machine guns. The NKPA was in desperate straits when this report was distributed, unable to break through the Naktong defenses.

Propaganda about alleged atrocities was one of many ways to bolster the lagging fighting spirit of the NKPA. In the same article, the AP also mentioned an article in the August 19, 1950 (issue #49) Chosun In Min Bo, the NKPA newspaper, which carried a story relating the finding of bodies in the Hwanggan area on July 29, 1950. The details are graphic and follow a propaganda line commonly used by the North Koreans who regularly accused South Korean and United Nations forces of the very atrocities they themselves were committing: In its description of the Chosun In Min Bo article, the AP article reports North Korean troops moving through the Hwaggan area "encountered... indescribably gruesome scenes under the railway tunnels and in nearby fields... About 400 bodies of old and young people and children covered the scene so that it was difficult to walk around without stepping on corpses." This depiction of hundreds of casualties is unsupported either by the reconnaissance film analysis discussed in Appendix C or the forensic pathology analysis in Tab 3 to this Appendix.

According to the information the ROK Review Team provided to the U.S. Review Team, Koreans returned to retrieve bodies from July 29, 1950 to November 15, 1950. According to the information provided there were bodies inside the double railroad overpass, along the side of the railroad and two bodies retrieved were in other areas.

Based on the available evidence, the U.S. Review Team cannot determine the numbers killed or injured in the vicinity of No Gun Ri. However, the U.S. Review Team concluded that it is unlikely that hundreds of dead bodies were present in the vicinity of No Gun Ri during the last week of July 1950, based on the testimony of U.S. veterans and the examination of the August 6, 1950 aerial

photograph by Armed Forces Institute of Pathology (AFIP) and National Imagery and Mapping Agency (NIMA). The U.S. Review Team concluded that some Koreans were killed and injured in the vicinity of No Gun Ri in the last week of July 1950 but that the precise number may never be determined for many reasons. The reasons include Korean burial customs, farming practices (when farmers uncovered bones, they removed and disposed of the bones), lack of reliable information, wartime disruptions of the countryside, and the passage of time.

<sup>&</sup>lt;sup>1</sup> See Chapter 1.

<sup>&</sup>lt;sup>2</sup> Korean witness statements (2 children).

<sup>&</sup>lt;sup>3</sup> Korean witness statement (teenager).

<sup>&</sup>lt;sup>4</sup> Korean witness statement summarized in ROK "On-site Technical Investigation" provided to the U.S. Review Team, August 2000.

<sup>&</sup>lt;sup>5</sup> Korean witness statements indicate there were 60 dead bodies in the tunnel, 60 to 100 people died in the tunnels, the bombing killed about 100 - 150 people and there were 50 - 60 bodies were on the railroad track.

<sup>&</sup>lt;sup>6</sup> Chapter 4, p. 136.

<sup>&</sup>lt;sup>7</sup> See Appendix B, Tab 3 and Appendix C.

<sup>&</sup>lt;sup>8</sup> ROK "On-site Technical Investigation" provided to U.S. Review Team, August 2000.

<sup>&</sup>lt;sup>9</sup> Presumably the locations of these graves are also unknown.

<sup>&</sup>lt;sup>10</sup> People from places other than the local villages.

<sup>&</sup>lt;sup>11</sup> Six Korean witness statements summarized in ROK "On-site Technical Investigation" provided to the U.S. Review Team in August 2000.

<sup>&</sup>lt;sup>12</sup> For example a child's grandfather was killed, child's mother and aunt were killed, and teenager's sister was killed.

<sup>&</sup>lt;sup>13</sup> For example one Korean witness stated 50 - 60 bodies were scattered on the railroad track and the double tunnel was packed with bodies. See ROK "On-site Technical Investigation" provided to U.S. Review Team August 2000.

<sup>&</sup>lt;sup>14</sup> U.S. Veteran estimates of wounded and dead varied for example 8 - 9 who could have been dead or injured, possibly several dead or injured, close to two hundred, and maybe 50 - 60 killed or injured I am just not sure. At least ten veterans talk about refugees being killed or injured in the vicinity of No Gun Ri. However some of these veterans observed dead or injured refugees and do not know how or when they were wounded.

<sup>&</sup>lt;sup>15</sup> See note 5.

<sup>&</sup>lt;sup>16</sup> CHOE, Sang-hun, "Document cites Korean War Killings", <a href="http://wire.ap.org./APnews">http://wire.ap.org./APnews</a>, June 15, 2000.

<sup>&</sup>lt;sup>17</sup> See Appendix C and Appendix B, Tab 2.

### Tab 2

## ANALYSIS OF ROK FORENSIC TESTING - BALLISTICS AND FIREARMS

## I. Introduction

The U.S. Review Team believed that in a search, bullets would be recovered from the double overpass area located near No Gun Ri. The U.S. Review Team had multiple reasons for that belief including: (a) Korean and U.S. witness statements that firing occurred: (b) combat action in the area<sup>1</sup>; and (c) the NKPA presence in this area after U.S. Forces left.<sup>2</sup> As noted in Chapter 3, prior to July 26, 1950, the NKPA captured many weapons and used the weapons, so when one finds a U.S. bullet, one cannot assume a U.S. soldier fired it. 3 The U.S. Review Team does not know exactly what action occurred in and around this area after July 29, 1950; for example, strafing or gunfire could have occurred. Because the U.S. Review Team does not know what happened in the vicinity of the double overpass before, during or after the last week of July 1950, the U.S. Review Team cannot draw any firm conclusions about the significance of physical evidence recovered at the location in July 2000. The U.S. Review Team believes that the ROK Review Team, based on comments they made at a meeting in November 2000, believes the bullets that were recovered from the area are conclusive evidence that the events occurred as described by the Korean witnesses.

As a result of consultations between the U.S. Review Team and the ROK Review Team, The Inspector General agreed that the ROK Review Team, the counterpart of the U.S. Review Team, would be responsible for recovery of evidence and forensic examination of the evidence recovered to include bullets, cartridges, and other material in the vicinity of No Gun Ri. It was agreed that the ROK Review Team would report their results to the U.S. Review Team.

In July 2000, the Republic of Korea's Defense Investigative Command (DIC) No Gun Ri Investigation Team conducted a forensic assessment of the No Gun Ri incident site and tested materials recovered at the site. The ROK Review Team reported the results of the DIC assessment and testing to the U.S. Review Team. In addition, the ROK Review Team provided a six-piece sample of material that they stated was recovered by the DIC Team to the U.S. Review Team. Based upon interactions with our Korean counterparts, the U.S. Review Team believes the DIC Team retained all remaining items found at the site.

Firearms examiners and ballistics experts perform two different roles. Firearms examiners determine if a particular weapon fired a bullet or cartridge. <sup>5</sup> Ballistics experts study the projectiles fired by firearms and the effect of the projectile on a target. <sup>6</sup> These experts address questions such as what weapon was fired and where was the weapon fired from.

The U.S. Review Team asked for technical assistance from two agencies, the Federal Bureau of Investigation (FBI) Laboratory and U.S. Army Criminal Investigation Division (CID) Laboratory. No firearms examiners or ballistics experts were detailed to the U.S. Review Team. The U.S. Review Team relied upon the technological and forensic expertise of the CID and the FBI to review the DIC's conclusions and assessment. Specifically, the U.S. Review Team asked the laboratories to review the DIC Team's assessment of the site and the items recovered at the site, to review and comment on the methodology, and to assess the Korean conclusions.7 After the U.S. Review Team received the CID evaluation of the DIC Report, the U.S. Review Team requested additional information from the ROK Review Team. The U.S. Review Team provided copies of the DIC response<sup>8</sup> on the methods that the DIC Team used to reach four of their conclusions to CID and the FBI who provided additional comments. 9 CID and the FBI concurred one could use the Korean methods to determine the difference between 7.62 millimeter (mm) Soviet and .30 caliber U.S. bullets, to determine that the extracted and unextracted bullets were identical, to determine that the marks were bullet marks and to determine the firing directions. 10 However, the methods used by the DIC Team are not the methods used by CID and the FBI.

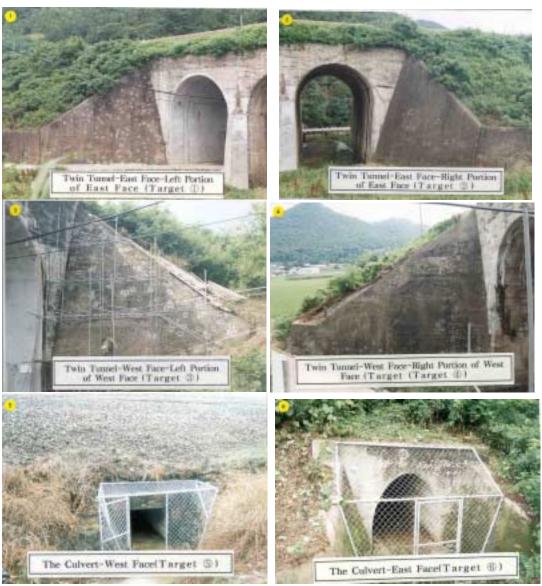
FBI examiner noted from a purely forensic science perspective, any conclusions drawn from an unprotected area where weapons were discharged fifty years ago should be viewed with extreme caution. The U.S. Review Team's position is that one cannot conclusively say who fired the bullets and when the bullets were fired.

## II. DIC Team's Assessment and Conclusion

The DIC Team provided the following "assessment and conclusion." 12

- The marks on both ends of the double overpass and both ends of the culvert "were caused by real shooting in short distance."
- They found a total of 316 marks at the overpass and culvert, and found 59 bullets embedded in the concrete. Only 20 bullets were removed. The DIC Team removed bullets that had special features. The DIC team defined special features as bullets that had different sizes, types and markings. The DIC considered the other 39 unextracted bullets to be identical to the removed 20 bullets.
- There were six possible firing positions from which fire was directed on the double overpass and culvert areas. The DIC Team called the areas that could be hit by weapons fire from these six firing positions targets.

- They found 193 items at the double overpass and culvert. The items included .30 caliber empty cartridges, bullets, unfired cartridges, one M1 rifle cartridge clip, one LMG (light machine gun) link, and other fragments. In addition, the DIC team found Soviet-manufactured material. This material included empty cartridges and bullets for the Soviet-made Mosin-Nagant rifle and DP/DT MG (machine gun).
- The DIC Team stated all bullets embedded in both ends of the double overpass and culvert were confirmed as U.S.-made .30 caliber and .50 caliber cartridges. No Soviet-made bullets were detected.



For reference, the DIC Team provided the above photographs of the double overpass and culvert areas in the vicinity of No Gun Ri. 13

#### III. Discussion of the DIC Assessment and Conclusions

The DIC Team determined the distance between the firearms fired and the target. The DIC Team's determination was the shootings at the double overpass and the culvert occurred at short distances because the bullets were deeply embedded. The U.S. Review Team does not accept the DIC's conclusion that the firing was from a short distance because they did not use the methods that the FBI would have used. The FBI indicated that gunshot residue and angle determination examinations are two main factors that they use to determine weapon discharge distances, not how deeply bullets are embedded.<sup>14</sup> The DIC Team also did not define short distance. <sup>15</sup>

The U.S. Review Team does not accept DIC's conclusion about all 316 marks in the overpass and culvert. They may be bullet marks. In fact, some appear to be bullet marks based on visual examination by non-experts, to based on the DIC work we cannot be certain. As the CID reviewer stated, to conclusively make this determination one needs to detect traces of bullet jacketing (copper) of bullet cores (lead), or trace amounts of both lead and copper. The DIC Team's report did not indicate that such traces were found in any of the 316 wall marks. The DIC Team conducted a visual examination of the marks. CID agrees one can do an inspection, but they would also do the work described above. Even if they are bullet marks we do not know when they were made.

The DIC Team concluded there are six possible shooting locations. The U.S. Review Team cannot agree that there were six possible shooting positions based on the DIC Team's work and the passage of time. The FBI indicated after reviewing the initial DIC assessment that in the absence of additional firearm examinations, the actual number of firers, number of weapons, type of weapons fired (Soviet or American) and their locations cannot be determined. Additional firearms identification-type examinations could determine how many weapons were involved at each of the suspected shooting sites.<sup>20</sup> To properly complete this examination, one must recover all of the bullets at all of the sites and compare them microscopically.<sup>21</sup> The FBI and CID agree one can use the method described by the DIC Team to determine firing angles.<sup>22</sup>

The ROK Team provided the U.S. Review Team with a six-piece sample from the materials found in the vicinity of No Gun Ri. The FBI examined the material and reviewed the DIC's assessment and conclusions. The DIC assessment does not clearly indicate how many bullets and cartridges cases were recovered and whether or not these specimens were intercompared to each other. These intercomparisons are the basis on which FBI examiners determine the number of weapons and firers in an incident.<sup>23</sup> The material samples provided included three .30 caliber bullets fired from a barrel rifled with four grooves with a right twist.<sup>24</sup> The FBI used a search of the General Rifling

Characteristics file and determined that U.S. military M1 firearms produced such rifling marks on the bullets.<sup>25</sup> As noted in Chapter 3, prior to July 26, 1950, the NKPA captured many weapons and used the weapons.<sup>26</sup>

The DIC Team stated no enemy bullets were found in the walls.<sup>27</sup> To firmly conclude there were no enemy bullets at the site, CID states all bullets present would have to be removed and analyzed.<sup>28</sup> Further, there were two Soviet type .30 caliber (7.62X54R) bullets included in the bullet sample.<sup>29</sup> These bullets had no rifling marks, and the FBI could not determine from the report or samples if these bullets were recovered as fired bullets.<sup>30</sup> The U.S. Review Team does not know if the DIC Team conclusion is correct.

The DIC team removed only 20 of the 59 bullets identified as embedded in the double overpass, but they concluded the remaining 39 unextracted bullets were identical without a microscopic examination. The Koreans did a visual examination of the bullets embedded in the wall and extracted a sample to examine. They concluded that the bullets left unextracted were identical to the bullets extracted. They concluded the unextracted bullets were .30 and .50 U.S. caliber bullets. The FBI and CID concur that the DIC could visually examine the bullets embedded in the wall to determine if the unextracted bullets matched the extracted bullets.31 However, the FBI's and CID's method of determining if bullets are identical is microscopic examination.<sup>32</sup> Also, research indicates that the barrels of some .30 caliber firearms used by U.S. forces and North Korean Forces display the same characteristics of four lands and grooves with a right twist.<sup>33</sup> To determine if a bullet was fired from a U.S. firearm or a North Korean firearm, the FBI firearm examiners would measure the width of the lands and grooves and compare them to known published specifications.<sup>34</sup> The DIC Team did not state that they did this.

## **IV.** Conclusion

The Republic of Korea's Defense Investigative Command No Gun Ri Investigation Team's report is an extensive report. However, as the FBI examiner noted from a purely forensic science perspective, any conclusions drawn from an unprotected area where weapons were discharged fifty years ago should be viewed with extreme caution.<sup>35</sup> The bullets and bullet marks although not conclusive, do corroborate the statements of U.S. veterans and Korean witnesses that weapons were fired. The U.S. Review Team views the presence of bullets and bullet marks in the double overpass and in the culvert area as another piece of evidence to be weighed with all other evidence.

The ROK investigation team stated that Soviet bullets and casings were found on the north side of the railroad tracks in two separate locations.<sup>36</sup> This is an area from which U.S. veterans said they received fire. If one assumes that the U.S. bullets and bullet marks found in the vicinity of the double railroad overpass were the result of U.S. soldiers firing toward that point, as reflected in

some of the witness statements, then it logically follows that one must also believe that the Soviet bullets and cartridges found in the vicinity of the overpass resulted from hostile fire directed at the U.S. soldiers from the vicinity of the double railroad overpass, as reflected in several U.S. veteran statements.

The Korean peninsula was a war zone as noted in the narrative; combat forces passed through this area after July 29, 1950. We do not know exactly what action occurred in and around this area after July 29, 1950; for example strafing, firefights or isolated gunfire could have occurred. The uncertainty generated by a lack of knowledge means that drawing firm conclusions based on physical evidence recovered from the site to include bullets or cartridge material is impossible.

<sup>&</sup>lt;sup>1</sup> Chapter 3, p. 88 - 89.

<sup>&</sup>lt;sup>2</sup> Chapter 4, p. 160.

<sup>&</sup>lt;sup>3</sup> Chapter 3, p.13.

<sup>&</sup>lt;sup>4</sup> Korean Defense Investigative Command No Gun Ri Investigation Team Report (DIC Report) dated 12- 26 July 2000.

<sup>&</sup>lt;sup>5</sup> Giannelli, Paul C., and Imwinkelreid, Edward J., <u>Scientific Evidence</u>, 3rd Edition, Lexis, Charlottesville, VA 1999, p. 607.

<sup>&</sup>lt;sup>6</sup> Ibid. p. 608.

<sup>&</sup>lt;sup>7</sup> Memorandum for FBI, Subject: Forensic Analysis Request, dated 2 October 2000 and Memorandum for U.S. Army. Crime Laboratory, Subject: Analysis Request dated 8 August 2000.

<sup>&</sup>lt;sup>8</sup> The standard working practice of the DAIG Review Team is to send copies of documents to our Korean counterparts. The Korean response is undated but titled "Response to U.S. Questions on DIC Report"

<sup>&</sup>lt;sup>9</sup> Memorandum for United States Army Inspector General, DAIG, Subject: Request for Assistance, dated 31 October 2000. Written memorandum for the FBI pending, results summarized to U.S. Review Team on 31 October 2000.

<sup>&</sup>lt;sup>10</sup> Ibid.

<sup>&</sup>lt;sup>11</sup> FBI Laboratory Report of Examination (FBI Report), Case No. 95A-HQ-1326915, dated 16 October 2000.

<sup>&</sup>lt;sup>12</sup> DIC Report, dated 12 -26 July 2000.

<sup>&</sup>lt;sup>13</sup> Photos, Korean Defense Investigative Command No Gun Ri Investigation Team Report, dated July 2000, pg. 1 insert.

<sup>&</sup>lt;sup>14</sup> FBI Report.

<sup>&</sup>lt;sup>15</sup> Ibid.

<sup>&</sup>lt;sup>16</sup> Memorandum for United States Army Inspector General, Subject: Request for Assistance, dated 31 October 2000.

<sup>&</sup>lt;sup>17</sup> Members of the DAIG Review Team have visited the double overpass and seen what appear to be bullet marks.

<sup>&</sup>lt;sup>18</sup> Undated "Response to US Questions on DIC Report" p. 3.

<sup>&</sup>lt;sup>19</sup> Memorandum for Inspector General dated 31 October 2000.

<sup>&</sup>lt;sup>20</sup> FBI Report, p.1

<sup>&</sup>lt;sup>21</sup> Ibid. p.1

<sup>&</sup>lt;sup>22</sup> See note 5 above

<sup>&</sup>lt;sup>23</sup> See note 16.

<sup>&</sup>lt;sup>24</sup> Ibid. pgs. 1-2

<sup>&</sup>lt;sup>25</sup> Ibid. p. 2.

<sup>&</sup>lt;sup>26</sup> Chapter 3, p.13.

<sup>&</sup>lt;sup>27</sup> DIC Report, p. 23

<sup>&</sup>lt;sup>28</sup> Memorandum, Subject: Evaluation of a report titled "Forensic Test Results of the No Gun Ri Incident" for the Department of the Army Inspector's General's Office (USACIL Case Number 2000-CID131-0730) dated 30 August 2000 (CID Report).

<sup>&</sup>lt;sup>29</sup> During a meeting in December 2000 with the ROK Review Team, LTG Ackerman, The Inspector General, was told that Soviet bullets and casing were found on the north side of the railroad tracks in two separate locations.

<sup>&</sup>lt;sup>30</sup> Ibid. p. 2

<sup>&</sup>lt;sup>31</sup> See note 5 above.

<sup>&</sup>lt;sup>32</sup> CID Report and FBI Report.

<sup>33</sup> FBI Report.

<sup>34</sup> FBI Report.

<sup>&</sup>lt;sup>35</sup> FBI Laboratory Report of Examination (FBI Report), Case No. 95A-HQ-1326915, dated 16 October 2000.

<sup>&</sup>lt;sup>36</sup> See note 28.

#### Tab 3

#### FORENSIC PATHOLOGY ANALYSIS

#### I. Introduction

The Department of the Army Inspector General Agency Review Team (U.S. Review Team) requested expert forensic assistance from the Armed Forces Institute of Pathology (AFIP) during the No Gun Ri Review. The AFIP is a Department of Defense tri-service agency with specialized departments and more than 120 staff pathologists. As a part of its mission, AFIP consults on death investigations throughout the world.

The U.S. Team sent the following items to AFIP for analysis:

- 1. National Imagery and Mapping Agency (NIMA) produced contour maps. In its report AFIP refers to NIMA as the Defense Mapping Agency (DMA).
  - 2. Recent color photographs of the No Gun Ri area.4
- 3. A black and white U.S. Air Force aerial reconnaissance photograph dated August 6, 1950 taken in the area where the No Gun Ri incident is alleged to have occurred.<sup>5</sup>

AFIP has conducted thousands of investigations into deaths and has considerable experience in the recovery of bodies.<sup>6</sup>

## II. Armed Forces Institute of Pathology Observations

Based on the material provided for review, AFIP stated that the condition of the open area to the South (upstream) of the double overpass is not consistent with the condition you would expect the site to be in if multiple deaths from machine gun fire had occurred at this location. The site condition is also not consistent with bodies being dragged through the area.

If hundreds of deaths had occurred in the vicinity of the identified area, you would expect to see evidence of decomposition, body parts and scavenger activity. AFIP detected no evidence of decomposition, such as ground staining caused by fluids from decomposing bodies including blood. There were no signs of scavenger activity.

## III. Conclusion

Based on their review of the materials provided, AFIP concluded there was no evidence that there were hundreds of deaths in the open areas in the vicinity of No Gun Ri.

<sup>&</sup>lt;sup>1</sup> Per unwritten request from U.S. Review Team in July 2000.

<sup>&</sup>lt;sup>2</sup> http://www.afip.org

<sup>3</sup> <a href="http://www.afip.org">http://www.afip.org</a> and Memorandum, Subject: Review of material relating to an alleged incident in the area of No Gun Ri. ROK in July 1950, AFIP-OME, dated 25 July 2000.

<sup>&</sup>lt;sup>4</sup> U.S. Eighth Army, photograph book, "No Gun Ri Terrain Orientation, 8th U.S. Army and U.S. Forces Korea" dated 23 November 1999. The U.S. Review Team requested that the EUSA IG office take still photographs of the No Gun Ri area on 23 November 1999.

<sup>&</sup>lt;sup>5</sup> Defense Intelligence Agency, photograph, "No Gun Ri" dated 6 August 1950. DIA identified two aerial reconnaissance missions flown on 6 August and 19 September 1950 that were catalogued as mission numbers R-377A and R-110A flown over the No Gun Ri area along a mission track.

<sup>&</sup>lt;sup>6</sup> Memorandum, Subject: Review of material relating to an alleged incident in the area of No Gun Ri, ROK in July 1950, AFIP-OME, dated July 25, 2000, p. 4.